

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, <i>ex</i>)	CASE NO.: 5:15CV2720
<i>rel.</i> ETHICAL SOLUTIONS, LLC, <i>et al.</i>)	
)	JUDGE SARA LIOI
Plaintiff-Relators,)	
)	
v.)	MAGISTRATE JUDGE HENDERSON
)	
AKRON GENERAL HEALTH SYSTEM, <i>et</i>)	<u>CORRECTED JOINT STIPULATION OF</u>
<i>al.</i>)	<u>DISMISSAL</u>
)	
Defendants.)	

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the United States of America, having intervened in this qui tam action brought pursuant to the False Claims Act, 31 U.S.C. § 3729, *et seq.* (“FCA”), and the Relators hereby notify the Court of the voluntary dismissal of this action, consistent with the terms of the settlement agreement dated June 30, 2021, as set forth below.

The United States, the Relators, and defendant Akron General Health System (“AGHS”) have executed a Settlement in full compromise and settlement of certain of the United States’ claims, as well as the claims that the Relators have asserted on behalf of the United States against AGHS. In accordance with and subject to the terms of the Settlement Agreement, the United States and the Relators are voluntarily dismissing, with prejudice, the claims asserted by the Relators in this action, on behalf of the United States, against AGHS that are based on the

Covered Conduct as defined in Recitals, Paragraph E of the Settlement Agreement, which specifically provides as follows:

E. The United States contends that it has certain civil claims against AGHS arising from improper payments made to physicians who were part of certain practice groups at Akron General Medical Center and physicians affiliated with an acute care hospital that is part of AGHS. Specifically, the United States contends that, between August 1, 2010 and March 30, 2016, AGHS (1) knowingly submitted claims for payment to Medicare pursuant to referrals that violated the AKS because AGHS knowingly and willfully provided improper remuneration to the referring physicians in the form of compensation in excess of fair market value to induce the physicians' referrals of Medicare patients to AGHS in violation of the AKS, and for which AGHS submitted claims to the Medicare Program; and (2) knowingly submitted claims for designated health services to the Medicare Program that violated, and failed to meet any exception to, the Stark Law because AGHS directly or indirectly paid compensation to certain physicians that exceeded the fair market value of their services and/or took into account the volume or value of the physicians' referrals to AGHS. The physician practice groups and specific dates during which the United States alleges AGHS submitted these claims are set forth in the letter dated June 30, 2021 from Chris Wilson to counsel for the AGHS.

In addition, the Relators are voluntarily dismissing, with prejudice to the Relators and without prejudice to the United States, the remaining claims asserted by the Relators in this action on behalf of the United States, in which the United States has declined to intervene. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States hereby consents to the Relators' voluntary dismissal of that portion of the action, provided that such dismissal is without prejudice to the United States.

Relator Beverly Brouse is dismissing with prejudice her claim against AGHS under 31 U.S.C. § 3730(h).

Relators are dismissing with prejudice their claims for attorneys' fees, costs, and expenses under 31 U.S.C. § 3730(d).

Defendant has not filed an answer or responsive pleading to the Complaint.

A proposed order has been submitted for the Court's consideration.

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRIDGET M. BRENNAN
Acting United States Attorney

Jamie A. Yavelberg
Edward Crooke
Christopher G. Wilson (#0092705)
Trial Attorneys
U.S. Department of Justice
Civil Division
P.O. Box 261
Washington, D.C. 20044
(614) 255-1630
(614) 469-5240 (facsimile)
Christopher.G.Wilson@usdoj.gov

By: /s/ Patricia M. Fitzgerald
Patricia M. Fitzgerald (PA: 308973)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3779
(216) 522-2404 (facsimile)
Patricia.Fitzgerald2@usdoj.gov

Counsel for the United States of America

/s/ Warner Mendenhall
Warner Mendenhall, 0070165
Thomas W. Connors, 0007226
Attorneys for Relators
The Law Offices of Warner Mendenhall
Inc.
190 N. Union St. Ste. 201
Akron, OH 44204
Tel. (330) 535-9160
warner@warnermendenhall.com
tconnors@warnermendenhall.com

Counsel for Relators